

MINUTES
INDIANA OPTOMETRY BOARD
SEPTEMBER 10, 2008

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Morrow called the meeting to order at 10:00 a.m. in the Indiana Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-24-1-2.

Board Members Present:

Douglas C. Morrow, O.D., President
Natalie Olinger-Stine, O.D., Secretary
Stephan Van Cleve, O.D., Member
James Hunter, O.D., Member
Carl Golightly, O.D., Member

Board Members Absent:

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Rebecca Walker, Deputy Attorney General, Attorney General's Office

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

OLINGER-STINE/GOLIGHTLY
Motion carried 5-0-0

III. ADOPTION OF THE MINUTES FROM THE MAY 14, 2008 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes, as presented, from the May 14, 2008 meeting of the Board.

OLINGER-STINE/VAN CLEVE
Motion carried 5-0-0

IV. APPEARANCES

A. CONTINUING EDUCATION

B. APPLICATION

1. Melanie M. Carver, O.D.

Dr. Carver appeared before the Board, as requested, regarding her application for an Indiana optometry license by examination. Dr. Carver is a 2008 graduate of Indiana University and passed the National Board Examiners of Optometry

examination Parts I, II, III and TMOD. On her application she answered "yes" to question #5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony, in any state?" Dr. Carver explained that on August 15, 2002 she was convicted of operating a vehicle with a BAC greater than .08%, a Class C Misdemeanor. She completed one (1) year of probation on August 15, 2003 and a drug and alcohol awareness program.

Board Action: A motion was made and seconded to grant Dr. Carver an optometry license upon passing the law examination.

VAN CLEVE/GOLIGHTLY
Motion carried 5-0-0

2. Julie Ann Masters, O.D.

Dr. Masters appeared before the Board, as requested, regarding her application for an Indiana optometry license by examination. Dr. Masters is a 2008 graduate of Michigan College of Optometry and passed the National Board Examiners of Optometry examination Parts I, II, III and TMOD. On her application she answered "yes" to question #5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony, in any state?" Dr. Masters explained on August 22, 2000 she was charged with misdemeanor retail fraud after shoplifting from a department store. She stated she was 18 years old and it was her first and only offense. She completed six (6) months of non-reporting probation and paid a fine.

Board Action: A motion was made and seconded to grant Dr. Masters an optometry license.

OLINGER-STINE/VAN CLEVE
Motion carried 5-0-0

3. Sandra Jo Robel-Hall, O.D.

Dr. Robel-Hall appeared before the Board, as requested, regarding her application for an Indiana optometry license by examination. Dr. Robel-Hall is a 1990 graduate of Southern California College of Optometry and passed the National Board Examiners of Optometry examination Parts I, II, III and TMOD. On her application she answered "yes" to question #4 asking, "Are you now being, or have you ever been, treated for drug and alcohol abuse?" Dr. Robel-Hall explained she began taking Tramadol in 2002 as prescribed by her doctor for low back pain. She continued to take Tramadol for several years while also doing physical therapy and then acupuncture but those therapies did not continue to be effective. She told the board her back pain issues were the result of sports activities, pregnancy, and were compounded by a difficult domestic situation. She explained that her back pain is better now because she has rested this past year and has put her problems behind her by moving to Indiana and being closer to family. Dr. Robel-Hall is being treated by Dr. Anningson in Fort Wayne. This doctor has treated her Tramadol addiction by placing her on a new drug which works differently in the body preventing the user from building a tolerance thereby needing to take more of the drug. She stated she is almost completely off this new medication and does not plan to work more than two or three days a week to prevent her back pain from returning.

Board Action: A motion was made and seconded to table their decision at this time pending Dr. Robel-Hall submitting an evaluation from a Board Certified

Addictionologist and a report from her current physician, Dr. Anningson. Upon receipt of the requested reports Dr. Robel-Hall will be scheduled to appear at the next available meeting of the Board for further discussion of her application for optometry licensure.

OLINGER-STINE/GOLIGHTLY
Motion carried 5-0-0

V. ADMINISTRATIVE HEARING

- A. Thomas Boone, O.D.**
Administrative Cause No. 2004 IOB 002
Re: Request for Lift of Probation

Parties and Counsel Present:

Respondent was present and was not represented by Counsel
Heather Kennedy, Deputy Attorney General for the State of Indiana
Sheri Rutledge, Court Reporter

Participating Board Members:

Dr. Morrow (Hearing Officer)
Dr. Olinger-Stine
Dr. Hunter
Dr. Van Cleve
Dr. Golightly

Case Summary: The Respondent's license was placed on probation in May 2002 after Respondent submitted his renewal application admitting to a conviction relating to alcohol abuse. On March 31, 2005 the Board suspended the Respondent's optometry license indefinitely with no right to apply for reinstatement for two (2) years. On April 18, 2007 Respondent submitted a written request for the reinstatement of his suspended license. Respondent submitted proof that he had signed a contract with Continuing the Care, an outpatient substance abuse treatment program. On August 28, 2007 the Board reinstated the Respondent's license on Indefinite Probation subject to certain terms and conditions for one (1) year. On August 20, 2008 the Respondent petitioned the Board for a hearing to withdraw his Probation Order. The Respondent demonstrated that he has successfully complied with the terms and conditions of the Probation Order and told the Board they had helped him to save his own life from alcoholism. The State had no objection to the Respondent's request.

Board Action: A motion was made and seconded to grant Dr. Boone's request and withdraw the Order of Probation.

VAN CLEVE/ GOLIGHTLY
Motion carried 5-0-0

VI. DISCUSSION

- A. Proposed Administrative Rule Changes**

The Board reviewed a draft of rules they are revising so that Ms. Vaught can file a notice of intent. The Board then reviewed and revised rules pertaining to continuing education.

**B. Rule Readoption
LSA Document: #08-345**

The Board reviewed LSA Document #08-345 stating that the following board rules must be readopted every seven (7) years or they will expire without any action taken by the Board. The Board reviewed the following rules:

852 IAC 1-10-1 Fees
852 IAC 1-10-2 Biennial renewal fees; used for university support
852 IAC 2-4-1 Fees
852 IAC 3-3-1 Formulary of Legend Drugs.

The Board is required to review the rules to be readopted and determine that proposed rules do not impose any cost and requirements on small businesses pursuant to IC 4-22-2.5-3.1(C).

Board Action: A motion was made and seconded to readopt the rules taking into consideration the impact and requirements imposed on small businesses.

OLINGER-STINE/HUNTER
Motion carried 5-0-0

VII. CONTINUING EDUCATION

There was no continuing education to review.

VIII. APPLICATION REVIEW

A. Endorsement Applications

There were no endorsement applications for the Board to review.

B. Examination Applications

There were no examination applications for the Board to review.

C. Faculty Limited License

1. Shirin Elgin Hassan

Dr. Hassan appeared before the Board after having provided additional information about what she will be doing at Indiana University. Dr. Hassan is an expert in low vision care and mobility and has been teaching at IU School of Optometry but would like to be able to work in the low vision clinic supervising students and providing patient care. She explained she will be working with licensed Indiana optometrist Dr. Elli Kollbaum in the clinic most of the time. Dr. Hassan received a four year degree from Queensland University of Technology then obtained her PhD. She worked as an optometrist in Australia then did a post-doctoral research fellowship at the Wilmer Eye Institute, Johns Hopkins University in Baltimore, Maryland. Dr. Hassan stated she was excited to get the

offer to come teach and conduct research projects at Indiana University School of Optometry.

Board Action: A motion was made and seconded to grant Dr. Hassan a limited faculty license upon passing the law examination.

GOLIGHTLY/VAN CLEVE

Motion carried 4-1-0

Dr. Hunter dissented

D. Professional Corporation Applications

There were no professional corporation applications for the Board to review.

IX. PROBATIONARY REPORT

There were no probationary reports to review.

X. REPORTS

A. Consumer Complaints

Dr. Van Cleve reported he has not had any consumer complaints to review.

B. Indiana Optometric Association

There was no report given by Dr. Golightly or Jim Zieba, Executive Director of the IOA.

C. Continuing Education

Dr. Hunter has reviewed thirty-eight (38) hours for optometry credit and approved thirty-three (33) of those hours. He reviewed thirty-nine (39) hours submitted for legend drug credit he approved twenty-one (21) hours. Dr. Hunter said most of the hours he denied were office based programs and he wants additional information about what the attendee will undergo and be taught. He handed out wording for the Board to review so that those applying for approval of office programs will know what is expected. Ms. Vaught advised that information would be added to the instructions on the website.

XI. OLD/NEW BUSINESS

1. CONTINUING EDUCATION AUDIT

An audit will be conducted for the 2006-2008 renewal period. This will be the first audit which will require proof of continuing education for both the optometry license and optometric legend drug certificate.

2. CORRESPONDENCE FROM LINDA BORCHERT, O.D.

The Board reviewed a letter sent to Dr. Hunter by Linda Borchert, O.D. Dr. Borchert was concerned that her ability to prescribe relevant medications for her patients is being unduly scrutinized. She wrote that she had written an antibiotic prescription for a patient and the pharmacist at Wal-Mart questioned her about why she was prescribing the medication and what the diagnosis was. She wrote

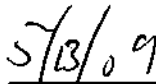
that the pharmacist stated the board had done an audit and that they were really coming down hard on them. According to her, the pharmacist also stated that there have been instances of inappropriate medications prescribed by optometrists. Ultimately the pharmacist did fill the prescription after speaking to Dr. Borchert. Ms. Vaught told the Board that she was not aware of any complaints to the Optometry Board concerning prescriptions being written by optometrists and she spoke with the Board Director of the Pharmacy Board who also stated they had done no such audit nor have there been any issues with optometrist prescriptions. Jim Zieba, Executive Director of the Indiana Optometric Association, offered to contact Dr. Borchert and write a letter to the Wal-Mart pharmacist and Wal-Mart corporate explaining the legalities of a pharmacist using judgment to override the judgment of the prescriber.

XII. ADJOURNMENT

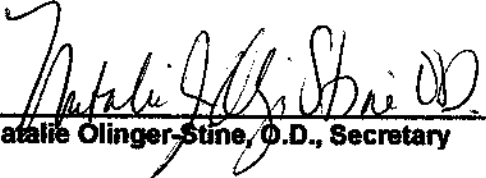
There being no further business, and having completed its duties, the meeting of the Indiana Optometry Board adjourned at 1:30 p.m.



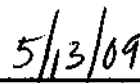
Douglas C. Morrow, O.D., President



Date



Natalie Olinger-Stine, O.D., Secretary



Date